

SERIAL NO. 09/900,016

DOCKET NO. 1539.1016

REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 46 and 58 have been cancelled without prejudice or disclaimer, and claims 42, 49, 50, 55 and 61 have been amended. No new matter is being presented, and approval and entry of the foregoing amendments are respectfully requested.

It is respectfully submitted that the cancellation of claims 46 and 58 does not involve a reopening of prosecution and is therefore appropriate for approval and entry in an amendment under 37 CFR 1.312. MPEP 714.16.

It is further respectfully submitted that the amendments to claims 42, 49, 50, 55, and 61, which amended the claims to remove the Nearest Neighbor method from the at least one of the methods recited therein, do not involve a reopening of prosecution or a change of scope of the claims requiring additional search or consideration by the Examiner. As such, it is respectfully submitted that the amendments are appropriate for approval and entry in an amendment under 37 CFR 1.312. MPEP 714.16.

Claims 1-18, 42-45, 47-57, and 59-64 are pending and under consideration. Reconsideration is requested.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, it is respectfully submitted that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

Nov-17-03 11:51am From:STAAS & HALSEY

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SERIAL NO. 09/900,016

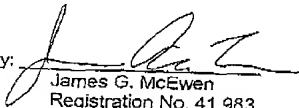
DOCKET NO. 1539.1016

If there are any additional fees associated with the filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to: Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450
on 17 Nov, 2003

STAAS & HALSEY

By: James G. McEwen
Date: 17 Nov 03